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**THE NATIONAL ASSEMBLY****THE SOCIALIST REPUBLIC OF VIETNAM****Independence - Freedom - Happiness****No. 48/2014/QH13****LAW****Amending and Supplementing a Number of Articles of the Law on Inland Waterway Navigation<sup>(\*)</sup>***Pursuant to the Constitution of the Socialist Republic of Vietnam;**The National Assembly promulgates the Law Amending and Supplementing a Number of Articles of Law No. 23/2004/QH11 on Inland Waterway Navigation.***Article 1.**

To amend and supplement a number of articles of the Law on Inland Waterway Navigation:

**1. To amend and supplement Clause 1 of, and add Clauses 28 and 29 to, Article 3, as follows:**

“1. *Inland waterway navigation activities* include activities of people and vessels participating in inland waterway navigation or transportation; planning of development, construction, operation and protection of inland waterway navigation infrastructure facilities; search, salvage and rescue in inland waterways and state management of inland waterway navigation.”

“28. *Vessel owner* means an organization or individual that owns a vessel.

29. *Inland waterway navigation accident* means an accident occurring in inland waterways, port water areas or inland waterway landing stages caused by collision or an incident involving vessels, seagoing ships or fishing vessels, causing loss of human lives and property, obstructing navigation activities or causing an environmental pollution.”

**2. To amend and supplement Clause 3, Article 4 as follows:**

“3. Development of inland waterway navigation must conform to transport development master plans and ensure national defense and security.

Inland waterway navigation and transportation infrastructure facilities shall be developed toward modernity and synchrony in navigable channels, routes, ports, landing stages, management technology and cargo loading and unloading; help ensure navigation safety, natural disaster prevention and control, environmental protection and response to climate change.

The development of inland waterway transportation must be in harmony with other modes of transportation.”

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<sup>(\*)</sup> Công Báo Nos 681-682 (16/7/2014)

**3. To add Clause 5a following Clause 5; and amend and supplement Clause 8, Article 8, as follows:**

“5a. Handing over vessels to persons who fail to meet the conditions for operating vessels participating in inland waterway navigation.”

“8. Vessel crewmembers or operators working on board such vessels and having an alcoholic content in blood higher than 50 milligrams per 100 milliliters of blood or 0.25 milligrams per 1 liter of breathed air or using other stimulants banned from use by law.”

**4. To amend and supplement Clause 1, Article 9 as follows:**

“1. Inland waterway navigation infrastructure facilities include inland waterways; navigable channel protection corridors; inland waterway ports and landing stages; outside-port berths; navigation embankments and dams, inland waterway signs and other auxiliary works.”

**5. To amend and supplement Article 13 as follows:**

“Article 13. Inland waterway ports and landing stages

1. Inland waterway port is defined as follows:

a/ Inland waterway port means a system of works constructed for vessels or sea-going ships to berth, load and unload cargoes, embark and disembark passengers and provide other assistance services. An inland waterway port covers port land area and port water area.

Port land area is a delimited area for the construction of wharves, warehouses, yards, workshops, offices, service establishments, and a transport, communications, electricity and water supply system, and the installation of equipment and other auxiliary works.

Port water area is a delimited area for the establishment of water areas in front of wharves, ship maneuver, anchorage, transshipment, lighterage and storm shelter areas;

b/ Inland waterway ports include general ports, cargo ports, passenger ports and exclusive ports and are categorized into grades I, II and III.

2. Inland waterway landing stage means a small-sized independent work which consists of land area and water area in front of the landing stage for vessels to berth, load and unload cargoes, embark and disembark passengers and provide other assistance services. Inland waterway landing stages include cargo landing stages, passenger landing stages, general landing stages, cross-river passenger landing stages and exclusive landing stages.

3. The construction of inland waterway ports and landing stages must conform to master plans on development of inland waterway navigation infrastructure facilities and comply with relevant regulations.

Organizations or individuals that wish to construct inland waterway ports or landing stages must obtain written approval of the state management agency in charge of inland waterway navigation.

4. The Minister of Transport, Minister of National Defense and Minister of Public Security shall base themselves on the size and operation scope of inland waterway ports under their management to prescribe criteria for the categorization of ports, promulgate the list of inland waterway ports, prescribe technical grades and standards of technical grades of inland waterway ports and standards of inland landing stages.”

**6. To add Point e to Clause 3, Article 15 as follows:**

“e/ Irrigational or hydropower work owners or their representatives, when putting such works into operation, shall notify such to competent state management agencies in charge of inland water navigation in accordance with law.”

**7. To amend and supplement Article 24 as follows:**

“Article 24. Conditions for operation of vessels

1. When operating in inland waterways, non-motorized vessels with a gross tonnage of over 15 tons, motorized vessels with total main engine capacity of over 15 horse powers or vessels with a seating capacity of over 12 passengers must meet the following conditions:

a/ Conforming to the quality, technical safety and environmental protection standards prescribed in Clauses 3 and 4, Article 26 of this Law;

b/ Having inland waterway vessel registration certificates, technical safety and environmental protection certificates; being painted or stuck with number plates, painted with safety waterlines and permitted number of passengers on board;

c/ Having a sufficient complement of crew and a crew list.

2. When operating in inland waterways, motorized vessels with total main engine capacity of between 5 and 15 horse powers or with a seating capacity of between 5 and 12 passengers must meet the conditions prescribed at Points a and b, Clause 1 of this Article.

3. When operating in inland waterways, non-motorized vessels with a gross tonnage of between 1 ton and under 15 tons or a seating capacity of between 5 and 12 passengers, motorized vessels with total main engine capacity of under 5 horse powers or a seating capacity of under 5 passengers must have inland waterway vessel registration certificates and meet the following conditions:

a/ Their hulls must be steady and have no water leaking; they must have a white-light lamp in a conspicuous position when operating at night; vessels used for the carriage of passengers must have enough seats in a balancing manner and sufficient life-jackets and life-saving devices suitable to the number of passengers on board;

b/ Machines installed on board must be firm, safe and easy to boot and operate stably;

c/ They are painted or stuck with number plates or painted with the permitted number of passengers;

d/ They are painted with safety waterlines and not submerged more deeply than their safety waterlines when carrying passengers or cargoes. These safety waterlines must be painted with a line with a color different from those painted on vessel sides; the painted line with the width of 25 millimeters and the length of 250 millimeters must be horizontal on the two sides and in the middle of the vessel's largest length; the upper edge of the painted line must be 100 millimeters from the side edge for vessels used for carriage of cargoes and 200 millimeters for vessels used for carriage of passengers.

4. When operating in inland waterways, rudimentary vessels with a gross tonnage of under 1 ton or a seating capacity of under 5 passengers or rafts must meet the safety conditions prescribed at Point a, Clause 3 of this Article.

5. The use life of vessels has not yet expired in accordance with the Government's regulations.”

**8. To amend and supplement Clause 3, Article 25 as follows:**

“3. Vessels must be re-registered when:

- a/ Their owners are changed;
- b/ Their names or technical properties are changed;
- c/ Headquarters or registered places of permanent residence of their owners are relocated to other provincial-level administrative units;
- d/ Their registrations are shifted from other registration agencies to the agency in charge of inland waterway vessel registration.”

**9. To amend and supplement Article 28 as follows:**

“Article 28. Imported vessels

Imported vessels must conform to the quality, technical safety and environmental protection standards in accordance with law and ensure the use life of vessels permitted for import in accordance with the Government’s regulations.”

**10. To amend and supplement Clause 1 of Article 30 as follows:**

“1. Shipmaster’s and chief engineer’s certificates of competency are valid for 5 years and categorized as follows:

- a/ Shipmaster’s certificates of competency are categorized into first class, second class, third class and fourth class;
- b/ Chief engineer’s certificates of competency are categorized into first class, second class and third class.”

**11. To amend and supplement Article 32 as follows:**

“Article 32. Conditions for sitting examinations to acquire shipmaster’s or chief engineer’s certificate of competency of higher class

1. A person sitting an examination to acquire shipmaster’s or chief engineer’s certificate of competency of higher class must meet the following conditions:

- a/ Satisfying the conditions prescribed at Points a and b, Clause 2, Article 29 of this Law;
- b/ Having sufficient working period under his/her title stated in his/her certificate of competency or working period under his/her trained title;
- c/ Sitting examinations to acquire certificates of higher class.

2. The Minister of Transport shall detail working period under the titles prescribed at Point b, Clause 1 of this Article and conditions for sitting examinations to acquire shipmaster’s and chief engineer’s certificates of competency of higher class, except the cases specified in Clause 3 of this Article.

3. The Minister of National Defense and the Minister of Public Security shall detail the conditions for sitting examinations to acquire shipmaster’s and chief engineer’s certificates of competency of higher class for vessels performing national defense and security tasks.”

**12. To amend and supplement Article 33 as follows:**

“Article 33. Holding of the shipmaster title

1. Crewmen who possess a shipmaster's certificate of competency may act as shipmaster of vessels of a type suitable to their certificate.

2. Crewmen who possess a shipmaster's certificate of competency of higher class may act as shipmaster of vessels of a type for which the shipmaster competency of lower class is required.

3. Crewmen who possess a shipmaster's certificate of competency may act as shipmaster's assistant of vessels of a type for which the shipmaster competency of immediate higher class is required.

4. The Minister of Transport shall detail the regulations on crewmen acting as shipmasters, except the cases specified in Clause 5 of this Article.

5. The Minister of National Defense and Minister of Public Security shall detail the regulations on crewmen acting as shipmasters of vessels performing the national defense and public security tasks."

**13. To amend and supplement Article 34 as follows:**

"Article 34. Holding of the chief engineer title

1. Crewmen who possess a chief engineer's certificate of competency may act as chief engineer of vessels of a type suitable to their certificate.

2. Crewmen who possess a chief engineer's certificate of competency of higher class may act as chief engineer of vessels of a type for which chief engineer's competency of lower class is required.

3. Crewmen who possess a chief engineer's certificate of competency may act as chief engineer's assistant of vessels of a type for which the chief engineer's competency of an immediate higher class is required.

4. The Minister of Transport shall detail the regulations on crewmen acting as chief engineer, except the cases specified in Clause 5 of this Article.

5. The Minister of National Defense and Minister of Public Security shall detail the regulations on crewmen acting as chief engineer of vessels performing the national defense and public security tasks."

**14. To amend and supplement Point a, Clause 1, Article 35 as follows:**

"a/ Being aged full 18 years or older;"

**15. To add Article 35a following Article 35 as follows:**

"Article 35a. Inland waterway reports

1. Inland waterway report is a written report on problems encountered by vessels, seagoing ships, fishing ships and measures applied by shipmasters or steersmen to overcome difficulties and limit losses, which is made by shipmasters or steersmen aiming to protect the rights and legitimate interests of owners of vessels, seagoing ships, fishing ships, and related people.

2. Inland waterway reports shall be made when vessels, seagoing ships and fishing ships call at inland waterway ports for the first time after the occurrence of an accident or incident or at least 3 working days after the occurrence of the accident or incident, to the inland waterway port authority, inland waterway management unit, waterway police or People's Committee of the nearest locality from where the accident occurs.

3. The Minister of Transport shall prescribe procedures for certification of inland waterway reports.”

**16. To amend and supplement Clause 2, Article 47 as follows:**

“2. Five short, fast and uninterrupted blasts to mean: cannot give way;”

**17. To amend and supplement Clause 1, Article 55 as follows:**

“1. At night, two red lights shall be exhibited vertically at the highest position of the vessel, if the vessel is still making way through the water, it must, for category-A vessels, additionally exhibit sidelights and a white sternlight or, for category-B vessels, a half-green and half-red light;”

**18. To amend and supplement Clause 1, Article 71 as follows:**

“1. Inland waterway port authorities are agencies performing the function of specialized state management of inland waterway navigation and transportation at inland waterway ports and landing stages, or in navigable channels or routes as assigned by the Minister of Transport in order to ensure the observance of the law on inland waterway navigation order and safety and environmental protection.”

**19. To amend and supplement Clauses 2, 3, and 4, Article 72 as follows:**

“2. To inspect the observance of the law on navigation safety, security and environmental protection by vessels and seagoing ships; check certificates of competency and professional certificates of crewmen and steersmen; grant permits for vessels and seagoing ships to enter and leave inland waterway ports or landing stages.

3. To ban vessels and seagoing ships from entering or leaving inland waterway ports or landing stages when such inland waterway ports, landing stages or vessels and seagoing ships fail to satisfy safety, security and environmental pollution conditions or inland waterway ports or landing stages fail to satisfy the operation conditions prescribed by law.

4. To manage navigable channels and routes as assigned by the Minister of Transport; to notify the status of navigable channels and routes to vessels and seagoing ships.”

**20. To amend and supplement Clauses 1, 2 and 5, Article 77 as follows:**

“1. Inland waterway transportation includes business and non-business transportation.

2. Inland waterway transportation business is a conditional business, including passenger transportation and cargo transportation.

The Government shall prescribe conditions for inland waterway transportation business.”

“5. The responsibility to buy civil liability insurance in inland waterway transportation is prescribed as follows:

a/ Vessel owners dealing in passenger transportation shall buy insurance for their civil liability toward passengers and third persons;

b/ Vessel owners mentioned in Clause 1, Article 24 of this Law, when dealing in cargo transportation, shall buy insurance for their civil liability toward third persons;

c/ Insurance conditions and premium levels must comply with the law on insurance business.”

**21. To add Article 98a following Article 98 as follows:**

“Article 98a. Hire of vessels

1. Hire of vessels is effected under written contracts between vessel owners and vessel hirers.
2. Forms of hiring vessels include:
  - a/ Hire of vessels without crewmen working on board;
  - b/ Hire of vessels and crewmen working on board.
3. Owners of vessels for hire shall:
  - a/ Ensure that vessels are in the safe state and satisfy prescribed conditions and standards upon handing over such vessels to hirers;
  - b/ Satisfy the conditions and standards for crewmen working on board; and pay salaries and wages to, and provide other preferential treatments for, crewmen in accordance with law, in case of hiring vessels and crewmen working on board.
4. Vessel hirers shall:
  - a/ Use vessels and crewmen according to terms of contracts and relevant regulations;
  - b/ Ensure conditions and standards for crewmen working on board; pay salaries and wages to, and provide other preferential treatments for, crewmen in accordance with law in the cases specified at Point a, Clause 2 of this Article;
  - c/ Let no party sub-hire vessels and crewmen working on board, unless vessel owners agree in writing; refrain from using hired vessels as collaterals;
  - d/ Be responsible for safety assurance and environmental protection while using vessels; suspend operation and promptly notify such to vessel owners for application of remedial measures if detecting an unsafe state of or environmental pollution caused by the vessels.”

**22. To add Chapter VIIa below Article 98a as follows:**

“Chapter VIIa

SEARCH, RESCUE AND SALVAGE IN INLAND WATERWAY NAVIGATION

Section 1

SEARCH AND RESCUE FOR INLAND WATERWAY NAVIGATION

Article 98b. Search and rescue in inland waterway navigation

1. Search in inland waterway navigation means the use of forces, vehicles and equipment for positioning people or vessels in distress in inland waterways and water areas of inland waterway ports or landing stages.
2. Rescue in inland waterway navigation means the rescue of people from danger threatening their lives, including first aid and other measures to take victims in inland waterways, water areas of inland waterway ports or landing stages to safe positions.
3. Situations requiring search and rescue in inland waterway navigation means incidents caused by natural disasters, calamities or accidents in inland waterways and water areas of inland waterway ports or landing stages that are likely to or actually threatening to cause human losses and require timely and appropriate response to minimize possible losses.

Article 98c. Principles and organization of search and rescue activities in inland waterway navigation



1. Search and rescue activities in inland waterway navigation must adhere to the following principles:

a/ Promptly and accurately notifying information on accidents and incidents and requirements for search and rescue to agencies in charge of search and rescue in inland waterway navigation;

b/ Promptly and urgently conducting search and rescue with on-the-spot forces and means, ensuring close coordination among forces participating in search and rescue;

c/ Giving priority to saving people, and minimizing human and property losses;

d/ Ensuring safety for people and means involved in search and rescue.

2. The Ministry of Transport and provincial-level People's Committees shall assume the prime responsibility for, and coordinate with related agencies and units in, organizing search and rescue in inland waterway navigation under the Prime Minister's decisions.

Article 98d. Responsibilities of organizations and individuals when accidents occur in inland waterways

1. Shipmasters or steersmen and persons who are present at places where inland waterway navigation accidents occur or spot persons or vessels in distress in inland waterways shall take all measures to promptly and urgently rescue persons, vessels, seagoing ships, fishing ships or property in distress; inform such to nearest agency in charge of search and rescue in inland waterway navigation; position vessels in distress, and protect traces and exhibits related to accidents or incidents.

2. Informed agencies or units in charge of search and rescue in inland waterway navigation shall immediately send their personnel and means to scenes of accidents or places where persons or vessels in distress are spotted; may mobilize manpower and vessels to rescue and give first aids to victims, protect property, vessels, traces and exhibits related to accidents; ensure navigation order, safety and uninterruptedness; where accidents or incidents cause harm to the environment, such must be immediately notified to the state management agencies in charge of environmental protection.

3. Police offices, when being informed of accidents in inland waterways, shall promptly deploy forces for search and rescue; conduct investigation and take measures for handling in accordance with law.

4. Commune-level People's Committees of localities where accidents occur or accident victims are spotted shall direct and mobilize forces to ensure order and safety, render help to victims; where there are dead people whose identity or relatives remain unknown or whose relatives cannot afford their burial or cremation, commune-level People's Committees shall bury or cremate victims after competent state agencies complete prescribed procedures.

Article 98dd. Assurance of conditions of search and rescue in inland waterway navigation

1. Agencies in charge of search and rescue in inland waterway navigation shall be equipped with special-use rescue means and devices to serve rescue requirements and tasks under the Prime Minister's decisions.

2. Organizations and individuals whose means are involved in search and rescue may receive payments and support funds in accordance with law.



3. Financial sources for search and rescue in inland waterway navigation include:
- a/ The state budget;
  - b/ Financial supports, aids and voluntary contributions of individuals and organizations for search and rescue activities;
  - c/ Other lawful sources.

## Section 2

### INLAND WATERWAY NAVIGATION SALVAGE

#### Article 98e. Inland waterway navigation salvage

1. Inland waterway navigation salvage means activities of salvaging vessels, seagoing ships, fishing ships or assets on board from danger or support activities including tugging and pushing vessels, seagoing ships and fishing ships in distress in inland waterways or water areas of inland waterway ports or landing stages.

2. Inland waterway navigation salvage is carried out based on agreements between salvaging organizations and individuals (below referred to as salvagers) and owners of salvaged vessels, seagoing ships and fishing ships (below referred to as the salvaged).

3. The settlement of disputes over the payment of salvage remunerations must comply with the civil law.

#### Article 98g. Obligations of salvagers and the salvaged

1. Salvagers have the following obligations:

- a/ To comply with salvage agreements;
- b/ To actively carry out salvage;
- c/ To apply appropriate measures to minimize losses of vessels and assets and prevent environmental pollution;
- d/ To request supports from other salvagers when necessary;
- dd/ To accept salvage actions of other salvagers when receiving reasonable requests of the salvaged.

2. The salvaged have the following obligations:

- a/ To comply with salvage agreements;
- b/ To coordinate with the salvager in the course of salvage;
- c/ To prevent environmental pollution in the course of salvage.”

#### **23. To add Article 98h to Chapter VIII preceding Article 99 as follows:**

“Article 98h. Contents of the state management of inland waterway navigation

1. To elaborate, direct and implement strategies, master plans, plans and policies on development and assurance of safety of inland waterway navigation.

2. To promulgate and organize the enforcement of legal documents, standards and technical regulations on inland waterway navigation.

3. To disseminate, publicize and educate the law on inland waterway navigation; to guide and examine the implementation of measures to ensure inland waterway navigation safety.

4. To organize the management, maintenance and protection of inland waterway navigation infrastructure facilities.

5. To organize the registration and registry of inland waterway vessels, and the grant and revocation of registration certificates and technical safety and environmental protection certificates of inland waterway vessels.

6. To manage and train crewmen and steersmen of inland waterway vessels, and grant, renew or revoke competency certificates of these persons.

7. To manage inland waterway transportation.

8. To organize the natural disaster prevention and control, response to climate change and search, rescue and salvage in inland waterway navigation.

9. To protect the environment in inland waterway navigation activities.

10. To organize scientific and technological research and application and training of human resources for inland waterway navigation.

11. To inspect, examine and settle complaints and denunciations, and handle violations of the law on inland waterway navigation.

12. To undertake international cooperation on inland waterway navigation.”

**24. To add Clause 3a following Clause 3, Article 99 as follows:**

“3a. The Ministry of National Defense shall assume the prime responsibility for, and coordinate with the Ministry of Transport, the Ministry of Public Security and the Ministry of Agriculture and Rural Development in, performing the state management of inland waterway navigation in the field of national defense and security in accordance with this Law and relevant laws.”

**25. To add Article 101a to Chapter IX preceding Article 102 as follows:**

“Article 101a. Application of laws on operation of vessels outside navigable channels and water areas in which navigation and transportation have not been managed and operated

Operation of vessels outside navigable channels and water areas in which navigation and transportation have not been managed and operated must comply with this Law’s provisions on inland waterway vessels, crewmen, steersmen, navigation rules and vessel signals, inland waterway transportation, inland waterway navigation accidents, search, rescue and salvage and other relevant regulations.

Provincial-level People’s Committees shall organize the warning in areas dangerous for operation of vessels outside navigable channels and water areas in which navigation and transportation have not been managed and operated.

**Article 2.**

1. To amend a number of terms referred to in the Law on Inland Waterway Navigation as follows:

a/ To replace the word “*ma luc*” (horse power) with the word “*suc ngua*” (horse power) in Clauses 18, 19 and 20, Article 3; Clauses 1 and 2, Article 35; Clauses 1, 2 and 4, Article 49; and Article 80;

b/ To replace the word “diplomas” by the phrase “certificates of competency” in Clause 6, Article 8; Point c, Clause 2, Article 29; the title and Clause 3 of Article 30; the title and Clauses 2, 3 and 4 of Article 31;

c/ To replace the phrase “flood, storm” by the word “natural disaster” in Clause 1, Article 10; Article 11; Clause 2, Article 22; and Clause 5, Article 99;

d/ To replace the phrase “provincial-level People’s Committees” by the phrase “People’s Committees at all levels” in Clause 8, Article 25;

dd/ To replace the word “approved” by the word “appraised” at Point a, Clause 1, Article 26, and Clause 2, Article 27;

e/ To replace the phrase “Vietnam standards, sector standards” by the phrase “national standards, national technical regulations” in Clause 2, Article 26;

g/ To replace the phrase “waterway navigation police” by the phrase “waterway police” in the leading paragraphs of Articles 65 and 66; and Clause 3, Article 99;

h/ To replace the phrase “the Ministry of Fisheries” by the phrase “The Ministry of Agriculture and Rural Development” in Clauses 3 and 4, Article 99;

i/ To replace the phrase “of inland waterway navigation” by the phrase “in inland waterways” in Clause 3, Article 99.

2. To add the phrase “vessel hirers” following the phrase “vessel owners” in Clause 1, Article 29.

3. To add the phrase “certificates of competency” following the phrase “types of” in Clause 3, Article 31.

4. To add the phrase “fishing ships” following the phrase “seagoing ships” in Clause 2, Article 36.

5. To add the phrase “narrow navigable channels, restricted navigable channels” following the phrase “channel bends” in the title of Article 37; Clause 2, Article 37 and Clause 4, Article 44.

6. To remove the phrase “flood, storm” at Point b, Clause 1, Article 21.

7. To remove the phrase “the Minister of Fisheries” in Clause 6, Article 25; Clause 4, Article 26; Clause 5, Article 29; Clause 4, Article 31 and Clause 5, Article 69.

8. To remove the phrase “fishing ships” in Clause 6, Article 25; Clause 4, Article 26; Clause 5, Article 29; and Clause 4, Article 31.

9. To remove the phrase “fishing ports and wharves” in Clause 5, Article 69.

10. To annul Article 7.

### **Article 3.**

1. This Law takes effect on January 1, 2015.

2. Shipmaster’s and chief engineer’s diplomas granted before January 1, 2015, may continue to be valid for use through December 31, 2019.

3. The Government shall prescribe in detail the articles and clauses assigned in the Law.

This Law was passed on June 17, 2014, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 7<sup>th</sup> session.-

*Chairman of the National Assembly*  
NGUYEN SINH HUNG